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PATENT
29505/39547

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicants: McEvilly, et al.

Serial No.: 10/747,634

Filed: December 29, 2003

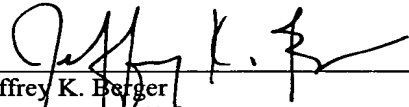
Title: Method and System for User-
Definable Fun Messaging

Group Art Unit: 2681

Examiner: Not Yet Assigned

) I hereby certify that this paper is being
) deposited with the United States Postal Service
) as first class mail, postage prepaid, in an
) envelope addressed to:

) Mail Stop Petition,
) Commissioner for Patents,
) P.O. Box 1450,
) Alexandria, VA 22313-1450,
) on: September 10, 2004.

) 
) Jeffrey K. Berger
) Reg. No.: 51,460

**REQUEST FOR RECONSIDERATION OF PETITION
UNDER 37 C.F.R. §1.47(a)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Christina Tartera Donnell, Petitions Attorney

Dear Madam:

This Request for Reconsideration is submitted in response to the Decision Refusing Status Under 37 C.F.R. §1.47(a) dated August 6, 2004.

Transmitted herewith is a supplemental declaration executed by the inventors, Jens Nagel and Rudolph Schusteritsch, which was previously dismissed due to the correction of the personal information of the inventors. The new declaration submitted herewith has been initialed and dated by each inventor next to their corrected information.

By virtue of the attached executed declaration, applicant respectfully requests a granted petition under 37 CFR 1.47(a).

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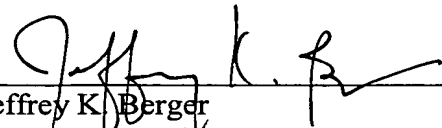
Should any questions arise over the form or substance of this Request for Reconsideration, the office is encouraged to contact the applicants' agent at the telephone number and address listed below.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

September 10, 2004

By:


Jeffrey K. Berger
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233 South Wacker Drive
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(312) 474-6300



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD AND SYSTEM FOR USER-DEFINABLE FUN MESSAGING

the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

☒ no such foreign applications have been filed

☐ such foreign application have been filed as follows:

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**



Application Number	Country	Date of Filing (dd/mm/yyyy)	Priority Claimed Under 35 USC 119
			___ Yes No ___
			___ Yes No ___
			___ Yes No ___

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Application Number	Country	Date of Filing (dd/mm/yyyy)

CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATIONS

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

☐ no such U.S. provisional applications have been filed.

☐ such U.S. provisional application have been filed as follows:

Application Number	Date of Filing (dd/mm/yyyy)	Priority Claimed Under 35 USC 119
		___ Yes No ___
		___ Yes No ___
		___ Yes No ___

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal

Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

☐ no such U.S./PCT applications have been filed.

☐ such U.S./PCT application have been filed as follows:

Application Number	Date of Filing (dd/mm/yyyy)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

Practitioners at Customer No.

29978

my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

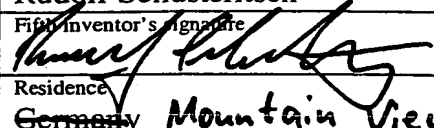
Please mail all correspondence to the above-mentioned customer number.

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Sole or first inventor's signature	Date
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Citizenship United States	
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Third inventor's signature	Date
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Citizenship China	
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2N 9/7/04	

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Fifth inventor's signature 	Date DEC 17 2003
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Citizenship Germany <i>RS 07 SEP 2004</i>	
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Sixth inventor's signature	Date
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